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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
P-105,630	07-Mar-02	WILLIAM F. NORDLIN, ET AL	913/38954/283

Title: HYDRAULIC PUNCH DRIVER

Art Unit	Paper Number
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LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the
Petition for Retroactive License under 37 CFR 5.25.

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In re: Nordlin et al. : DECISION ON REQUEST
Serial No.: P105,630 : UNDER 37 CFR 5.25
Filing date: November 13, 2001
Docket No: 913/38954/283SK

Title: HYDRAULIC PUNCH DRIVER

This is a decision on the petition filed on March 7, 2002 for retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
 - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since the requirements set forth in 37 C.F.R. 5.25(a)(3)(iii) have not been met.

The declaration of James O'Malley does not suffice to constitute filing of the application abroad through error and without deceptive intent. What is required is a verified statement from the person or persons who had knowledge and made the actual decision to file. Specifically, it is suggested that a verified statement from the German person or persons who actually had knowledge and filed the application in Germany, be obtained.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and

in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).



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